

March 18, 1954

George F. Nelson

Attorney General

Enfield Bridge

Frank D. Merrill  
Commissioner of Public Works and Highways  
State House Annex  
Concord, New Hampshire

Dear Commissioner Merrill:

Under the provisions of Laws of 1953, chapter 185, section 3 the cost of rehabilitation of existing wooden covered bridges shall in no instance exceed the estimated sum that might be necessary under sections 9 and 10 of Part 14, chapter 188, Laws of 1945 for construction or reconstruction of a bridge having a carrying capacity of at least fifteen tons. If the cost of rehabilitation of this bridge will exceed the cost of construction or reconstruction so determined of a bridge as defined in section 3 of said Part 14 there is no discretion to rehabilitate such wooden covered bridge.

If the cost of rehabilitation of said existing wooden covered bridge is within the permissible limits of cost as so defined such rehabilitation is confined to substantial restoration of the existing structure.

To rehabilitate is to restore to former state. To restore is to bring back to, or put back into, the former or original state. Both are synonymous with repair of the existing structure. The courts have made clear distinction between reconstruction and rehabilitation. In limiting the assistance to re-roofing, repair and replacement the legislature has emphasized this distinction.

Such repair does not necessitate the use of wooden pins to hold truss members if iron bolts, for instance, will add strength to the structure without sacrifice of basic truss design, however. Such substitutions of materials in repair and rehabilitation, if they preserve the basic integrity of structural design and appearance of the bridge are within the legislative intent.

Very truly yours,

Assistant Attorney General

GFM/T

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